IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE THIRTIETH DAY OF NOVEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE L.NARASIMHA REDDY

WRIT PETITION NO : 21361 of 2004

Between:

Shaik Ibrahim, S/o. Shaik Kasim Peera,
R/o. Islampet, Behind Madina Masjid, Ongole,

Prakasam District.

..... PETITIONER

AND

1 The Mandal Revenue Officer, Santhanuthalapadu,

Prakasam District.
2 The Joint Collector, (Civil Supplies), Prakasam District

at Ongole.
3 The Commissioner of Civil Supplies,

Government of Andhra Pradesh, Hyderabad.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a Writ, order or direction more particularly one in the nature of Writ of Mandamus declaring the action of the respondents in not increasing the Kerosene quota to 3000 Liters to the Petitioners herein is illegal, improper, arbitrary, null and void and consequently direct the respondents 1 and 2 to allot kerosene quota 3000 liters to the petitioner per month as per the Circular No.E2/911/85 dt. 4-4-1986 issued by the 3rd respondent.

Counsel for the Petitioner: MR.M.YESHWANTH KUMAR

Counsel for the Respondents: GP FOR CIVIL SUPPLIES

The Court at the admission stage made the following :

ORDER:

The petitioner is a licenced Kerosene Hawkar. His grievance is that he is being allotted only 2200 liters of kerosene and the margin, which he derives by selling the same is hardly sufficient to eke out his livelihood. He seeks directions to the respondents to enhance the monthly allotment. Reliance is placed upon Circular dated 04.04.1986.

Heard learned counsel for the petitioner and learned Government Pleader for Civil Supplies.

At the stage of admission, the Government Pleader had obtained instructions. The petitioner was allotted various categories of cards for the purpose of supply of kerosene. He is being allotted the requisite quantity of kerosene for supply to the cardholders. The information furnished by the learned Government Pleader discloses that the petitioner is being supplied the kerosene, which is sufficient to meet the demand of the cardholders, as per their entitlement.

The grievance of the petitioner that the supply be enhanced to 3000 liters cannot be considered straight away by this Court. The allotment or enhancement of the quota depends upon the number of cards allotted and the quantity required for the same. Though learned counsel for the petitioner has cited certain examples of the allotment of cards to the kerosene hawkers to ensure viability or earning of minimum livelihood, this Court finds it difficult to issue a direction straight away to the respondents to allot more number of cards to the petitioner. It all depends on the demand at the relevant place and the discretion of the respondents. The petitioner can certainly make necessary representation to the respondents citing examples, if any.

The writ petition is disposed of leaving it open to the petitioner to make representation to the respondents for additional allotment of cards, and on receiving the same, the respondents shall consider the same and pass appropriate orders, as expeditiously as possible.

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30.11.2004

Jsu

To

1 The Mandal Revenue Officer, Santhanuthalapadu,

Prakasam District.

2 The Joint Collector, (Civil Supplies), Prakasam District

at Ongole.
3 The Commissioner of Civil Supplies,

Government of Andhra Pradesh, Hyderabad.

4 2 CCs to the G.P for Civil Supplies, High Court Buildings, Hyderabad.(O.U.T).

5 2 CD copies.